

WEST VIRGINIA BOARD OF REGISTERED NURSES

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MEMORANDUM REGARDING CHAPTER 30 BOARD'S REQUIREMENT TO MAKE AVAILABLE LICENSEE MAILING ADDRESSES

Issue Regarding Mailing Addresses

Recently the Board has received numerous inquiries regarding the newly passed WV Code § 30-1-12(a). WV Code § 30-1-12(a) requires all Chapter 30 Boards (Nursing, Medicine, Attorneys, Dentists, etc) to make available their licensee's mailing address, along with other information. This law was passed during the 2023 WV Legislative Session.

WV Code § 30-1-12(a)

§30-1-12. Record of proceedings; register of applicants; certified copies of records prima facie evidence; report to Governor and Legislature; public access.

(a) The secretary of **every board shall keep** a record of its proceedings and **a register** of all applicants for license or registration, **showing for each the** date of his or her application, his or her name, age, educational and other qualifications, **mailing address**, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of this action, the license or registration number, all renewals of the license or registration, if required, and any suspension or revocation thereof. The books and register, or a copy of any part thereof, certified by the secretary and attested by the seal of the board, shall be prima facie evidence of all matters recorded therein. (emphasis added)

...

(c) **The register of applicants shall be made available upon written request on a form prescribed by the board.** The form shall require the requester to provide at least the following information:

- (1) Legal identity;
- (2) Purpose for which the register is sought;
- (3) A telephone number where the requester may be contacted by the board; and
- (4) Whether copies of the register are requested.

If requested, copies of the register shall be provided after payment of a reasonable fee, as determined by the board in accordance with the provisions of §29B-1-3 of this code.

The board may deny a request that the register, or copies thereof, be made available or provided if it determines, in its discretion, that the request is made for an improper purpose.

Analysis:

WV Code § 30-1-12(a) requires all Chapter 30 Boards to make available their licensee's name, age, educational and other qualifications, mailing address, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of this action, the license or registration number, all renewals of the license or registration, if required, and any suspension or revocation thereof.

There has been some misinformation regarding WV Code § 30-1-12(a). This is not a rule generated by the Board of Registered Nurses, but a law passed by the legislature. It is not discretionary. As such the Board, by law, must make all the required information available. Nurses cannot be removed from the register upon request. Also, as can be seen by reviewing the statute, nurse's phone numbers are not required to be made available.

The legislature did provide the Chapter 30 Boards with a gatekeeping function that does provide some protection.

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The Board hopes this information helps.

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